

07 JUN 2006



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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of
Takahashi
Application No.: 09/830,356
PCT No.: PCT/JP00/05955
Int. Filing Date: 01 September 2000
Priority Date: 09 September 1999
Attorney Docket No.: 109380
For: Image Generating System And Program

DECISION

This is a decision on the correspondence filed on 16 May 2005, which is being treated as a petition to accord a certain date of completion of the requirements of 35 U.S.C. 371(c)(1), (2) and (4).

DISCUSSION

This international application was filed on 01 September 2000 and claimed a priority date of 09 September 1999. The United States was designated. The International Bureau communicated a copy of the published international application to the USPTO. Consequently, the twenty month period for payment of the basic national fee in the United States expired as of midnight on 09 May 2001. On 25 April 2001, applicant filed *inter alia* the basic national fee.

On 22 May 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e).

On 05 June 2001, applicant filed *inter alia* an executed declaration and the surcharge.

On 20 June 2001, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicant, indicating that the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) was 05 June 2001.

On 25 July 2001, counsel filed a "Request For Correction Of PALM Records" requesting *inter alia* correction of the indication of a "filing date" of 05 June 2001.

On 08 August 2001, a Response To Request Corrected Filing Receipt was mailed to counsel, stating that the requested correction to the "filing date" was inappropriate because "the date on the Express Mail label is the date given on the Filing Receipt."

DISCUSSION

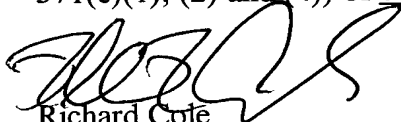
The instant correspondence requests "correction of PALM records" and refers to an attached copy of a "corrected filing receipt still containing an error." Counsel indicates that the "filing date" of "06/05/2001," in view of the alleged filing of a response on 04 June 2001. The instant correspondence includes a photocopy of a "PTO Receipt For Filing Papers" itemizing a "Resp to NOMR, ck #119597, \$130, NOMR, exec Decl, Assign Tran, ck# 119596, \$40, exec

Assgn.” Counsel refers to this postcard as establishing the date of receipt of the correspondence at issue. MPEP 503 states in part that “A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.” Following that practice, the itemized correspondence including *inter alia* the declaration and the \$130.00 surcharge are regarded as having been filed on 04 June 2001. As such, the 35 U.S.C. 371(c)(1), (2) and (4) date appearing on the 20 June 2001 Notice of Acceptance is in error, and said Notice of Acceptance is hereby VACATED.

CONCLUSION

The petition is GRANTED as described above.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) reflecting 04 June 2001 as the date of this application under 35 U.S.C. 371(c)(1), (2) and (4). A corrected Filing Receipt reflecting a “filing date” (date under 35 U.S.C. 371(c)(1), (2) and (4)) of 04 June 2001 will also be prepared and mailed.



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459



154

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Attn: OIPE

Kazuya TAKAHASHI

Batch/Confirmation No. 4958

Allowed: April 22, 2005

Application No.: 09/830,356

Docket No.: 109380

Filed: June 4, 2001

For: IMAGE GENERATING SYSTEM AND PROGRAM

SECOND REQUEST FOR CORRECTION OF PALM RECORDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a photocopy of the corrected filing receipt still containing an error. The error has been corrected in red. The error is being brought to the attention of the Patent and Trademark Office so that it may correct its records. The date is based on filing the Declaration with a Response to Notification of Missing Requirements filed June 4, 2001. A copy of the date stamped receipt is attached.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Robert A. Miller
Registration No. 32,771

JAO:RAM/tls

Attachments:
Filing Receipt
Date Stamped Receipt

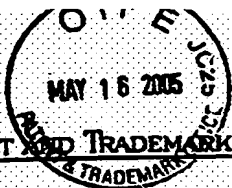
Date: May 16, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 09/830,356 | 06/05/2001 | 2185 | 990 | 109380 | 18 | 16 | 2 |

06/04/2001

CONFIRMATION NO. 4958

CORRECTED FILING RECEIPT



0C000000008400745

Oliff & Berridge
P O Box 19928
Alexandria, VA 22320

Date Mailed: 08/08/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kazuya Takahashi, Yokohama-shi, JAPAN;

Assignment For Published Patent Application

NAMCO LTD.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/JP00/05955 09/01/2000

Foreign Applications

JAPAN 11-256199 09/09/1999

If Required, Foreign Filing License Granted 08/08/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

Title

Image generating system and program

Preliminary Class

PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

Resp to NOMR, ck #119597, \$130, NOMR, exec Decl, Assign Tran, ck #119596, \$40,
exec Assgn.

Name of Applicant: Kazuya TAKAHASHI

Serial No.: 09/830,356

Atty. File No.: 109380

Title (New Cases):

Sender's Initials: JAO/kaf

286/4



PATENT OFFICE DATE STAMP

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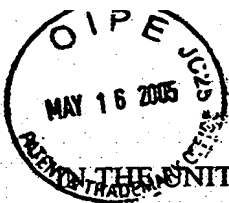
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Early Publication Request: No

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